

Call to Order:

The meeting was called to order at 7:35 pm. Present were Chairman, Paul Salafia, and members, Vincent Chiozzi, Linn Anderson, John McDonnell and Joan Duff ; also present were Director of Planning, Paul Materazzo, and Planner, Jacki Byerley.

Raytheon:

The Board opened the public hearing on an application by Raytheon for a Special Permit for a Major Non-Residential project to allow for an addition/expansion of 17,500 s.f. to the existing facility. Paul Finger, of Paul Finger Associates, representing the applicant gave an overview of the proposed project, including the location of the addition/expansion in the Thermal and Painting buildings, and noted the addition/expansion would match the existing heights of the buildings. Mr. Finger also reviewed the drainage, the waiver requests from the drawing requirements, peer review requirement, and noted a peer review of the drainage will be handled when they file with the Conservation Commission. Mr. Finger reviewed the drainage through the entire campus and noted that they will reduce drainage to Osgood Street; he reviewed the waiver request from showing the topography 2' intervals of the entire lot and showing the name of abutters and the parking calculations and spaces. Ms. Byerley reviewed her memo to the Board dated July 6, 2009, including comments from the IDR conducted on July 6, 2009. Chairman Salafia reviewed the IDR and peer review process. Stephen O'Neill of 81 Osgood Street expressed concern of the drainage that flows towards his property, the noise level of normal business trucking activities and noted that a delivery woke his family up one night. Mr. Finger reviewed the drainage and stated that there will be less drainage towards Osgood Street. He also reviewed vehicles movement on-site and noted that there would be no additional deliveries with the expansion. Bill Cummings, Manager Facilities Engineering representing Raytheon, stated he spoke with the facilities manager regarding the late night delivery and noted that no deliveries will be made after 8 PM and also noted there would not be any additional traffic or noise associated with the addition/expansion. Some abutting residents questioned what the source of a particular noise they are hearing was. Bill Cummings noted that he would give them his cell phone number and they could call him, and he would find out what it was. The Board discussed the Applicant's request to waive the peer review of drainage. There was discussion about whether or not a drainage review by the Conservation Commission would be sufficient to replace the Planning Board's customary drainage review, since the Planning Board's jurisdiction is different from that of the Conservation Commission. Some members of the Board felt that the Planning Board should review drainage in addition to having the Conservation Commission's review. Mr. Finger noted that all the pipes that run throughout the campus are under the jurisdiction of the Conservation Commission and noted that from the addition/expansion, there is no drainage leaving the site. The Board asked the Applicant to submit a drainage report to be reviewed by the Town Engineer. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearing on an application by Raytheon for a Special Permit for a Major Non-Residential project to allow for an addition/expansion of 17,500 s.f. to the existing facility to August 11, 2009 at 8:15 p.m. **Vote Unanimous (5-0)**

Pine Forest Park:

The Board opened the public hearing on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park located off Flash Rd., North Reading. Chairman Salafia reviewed the Planning Board procedures, the IDR and Peer Review process. Attorney Tom Mullen, representing the applicant, reviewed the Board of Health vote, the pending litigation with North Reading and requested that he would like to continue the public hearings to a future meeting. Chairman Salafia noted that abutters to the project were in attendance and would like to hear about the project. Luke Roy of O'Neill Associates, representing the applicant, gave an overview of the proposed project including the location, the zoning district, the roadway layouts, the stormwater system and the drainage. He also reviewed the off-site improvement to Flash Rd. and comments from the IDR. The applicant, Angelo Petrosino, gave an overview of other communities where primary access to developments crosses over other town or state lines. He also reviewed the streets in Andover that only have one access and noted that his development, Pine Forest Park, has an emergency access. He felt Flash Road can support an 11-lot subdivision. Attorney Mullen noted that all the homes would have sprinkler systems and reviewed the proposed improvements to the emergency access. Mr. Salafia questioned if they have an approval from Mass. Highway. Attorney Mullen noted that they do not have approval from Mass Highway. Ms. Byerley reviewed her memo to the Board dated July 7, 2009, including comments from the IDR conducted on June 30, 2009 and issues that need further discussion. The Board questioned the applicant's right to improve Flash Road. Ms. Byerley noted that the applicant has to submit a definitive subdivision application for improvements within North Reading and provide the information to the Board. Mr. Roy reviewed the plans and access points from Flash Road and Roach Circle. Heidi Griffin, Director of Planning in North Reading, reviewed the pending litigation with North Reading and noted the only approval Pine Forest Park has with North Reading is a subdivision plan that has private wells on the lots; she also noted any improvements to Flash Road comes under the jurisdiction of North Reading. Ms. Griffin questioned the procedures and suggested the applicant withdraw his application until the water issue is resolved. Attorney Mullen noted that Flash Road is a private way and the applicant has the right to pass and repass: the applicant will not make improvements outside the right of way. Attorney Mullen noted they tried to discuss the water issue with North Reading and would be content with an approval with a condition that municipal water be provided. Ms. Byerley noted that the Board of Selectmen of both Andover and North Reading would need to approve an inter-municipal agreement for the water. The Board discussed how to proceed and noted that the water is not the only issue; the applicant must have the legal right to access the property and make improvements within the right-of-way. The Board discussed continued the public hearings until September 8, 2009, at which time the applicant should be able to provide the legal documentation that they have the right to improve the ways in North Reading and the applicant has the right to connect to North Reading water. Several North Reading abutters expressed concern with the proposed project, including access and flooding. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park located off Flash Rd., in North Reading until September 8, 2009 at 8:15 pm. **Vote** Unanimous (5-0)

Celestial Circle:

The Board opened the public hearing on an application by Rayvon Realty Trust for a nine lot Definitive Subdivision Plan entitled Celestial Circle, and the concurrent public hearings for a Special Permit for a Cluster Development and a Special Permit for Earth Movement associated with a definitive subdivision plan located off Sunset Rock Road. All three hearings were continued from the June 23rd meeting,. The applicant is Rayvon Realty Trust Chairman Salafia reviewed the Planning Board procedures, the IDR and Peer Review process. Dan Koravos of DK Engineering, representing the applicant, gave an overview of the proposed project, including the roadway, the gravity sewer line for lots 1, 2, 8, & 9 and grinder pumps for the other 5 lots. He also reviewed the water line, the existing drainage at 36 Sunset Rock Rd., the traffic analysis, the conventional subdivision plan and the cluster development. Mr. Salafia reviewed the cluster development requirement. Mr. Koravos reviewed the ANR plans that will be submitted prior to recording of the subdivision, the comments from the IDR and the waiver request from the sidewalk requirement. Ms. Byerley reviewed her memo to the Board dated July 7th including comments from the IDR conducted on June 9, 2009 and the Board of Health approval. Attorney Mark Johnson, representing the applicant, gave an overview of the Board of Health's previous denial and their more recent approval. Ms. Byerley reviewed the applicant's waiver request from the filing fees. She also discussed the peer review of drainage, which will be combined with the Conservation Commission peer review. Ms. Anderson reviewed the list of "areas of concern" compiled during the course of the hearing which will be scheduled for further discussion at future public hearings. Mr. Chiozzi questioned if a conventional subdivision plan could be built that would comply with our drainage regulations. Attorney Johnson noted that the Special Permit to Cluster as written does not require a peer review of the conventional plan. The Board questioned if the Town Engineer could look at the conventional plan to see if it could be built. Mr. McDonnell reviewed the previous applications submitted to the Board for this site, which included a low impact development, a conventional subdivision and now a special permit to cluster. He noted the prior submittals had undergone peer review and the consultant concluded they could comply with drainage in the conventional plan; Mr. McDonnell asked if staff would provide the Board with the history of the site. Lynne Hunter of 30 Sunset Rock Road expressed concern regarding the drainage, the roadway being across from her driveway, and its location near to Pike School. Robert Gable of Sunset Rock Road expressed concern regarding the drainage problem with the existing Form A lot at 23 Sunset Rock Rd. The Board noted they will be discussing the drainage at an upcoming meeting. Mr. Koravos noted that the drainage report includes all drainage areas that contribute to the drainage of the site. Some abutters expressed concern with blasting, earth movement, wetlands and the possibility of an increase of students to the school population. Attorney Caffrey, representing an abutter, expressed concern regarding the drop off and pick up at the Pike School and the exporting of drainage off site. Calvin Perry of 25 Timothy Drive questioned if the Board received Paul Floyd's letter and if his concerns were on the "areas of concern" list. The Board noted they received the letter and that issues can be added to the list if needed. John Cronin of 24 Timothy Drive expressed concern regarding the drainage and the number of lots. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to waive the filing fees for the June 12, 2009 application, due to the timing of the submission and the reasoning for the withdrawal request of the May 28, 2009 application.

Vote Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings for an application by Rayvon Realty Trust for a nine lot Definitive Subdivision

Celestial Circle (cont.):

Plan and a Special Permit for Cluster Development and Special Permit for Earth Movement, entitled Celestial Circle, until July 28th at 8:15 p.m.; August 11th at 8:15; August 25th at 7:30 and Sept. 8th at 8:30 pm **Vote** Unanimous (5-0)

Chinmaya Mission:

The Board took up the deliberations on an application by Chinmaya Mission for a modification of a previously approved Site Plan Review approved in Feb. 2001 and modified in Sept. 2004. The modification would allow for a building expansion of 2,215 s.f. and parking lot expansion from 79 to 92 parking spaces.

Mr. McDonnell made a motion that the Board vote to approve the Site Plan Review application by Chinmaya Mission with condition # 8 being removed. Mr. McDonnell noted he feels that the condition overburdens and forces the Mission to maintain the vegetation. The Board discussed Mr. McDonnell's motion and the fencing and screening plan. Following a detailed discussion, Mr. McDonnell made a motion to withdraw his previous motion and it was seconded by Ms. Anderson. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to issue a Site Plan Certificate of Approval to the Inspector of Buildings to allow for the construction of a 2,215 sf addition to the existing building and for the expansion of the parking lot, with a maximum occupancy of 367 people, subject to the nine conditions outlined in Ms. Byerley's memo to the Board dated June 30, 2009 with the following changes:

Condition 8 will be eliminated .

Condition 7 shall read:

The fencing as provided on sheet 1 of 1 titled Parking Modification Plan shall be installed according to said plan. Removal of the existing eight (8') fencing and non-thriving arborvitaes and installation of the new six foot (6') fence shall take place in a reasonable time frame on or before October 30, 2009. **Vote** Unanimous (5-0)

Barron Court:

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to reduce the performance guarantee for Barron Court to a zero balance. **Vote** Unanimous (5-0)

Cassimere Street:

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to reduce to performance guarantee to secure the proper construction and completion of the services and ways to \$34,700.00 as recommend by the Department of Public Works in a memo dated July 1, 2009. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 10:40 p.m.